

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DIARRA SIAKA, *identified on initiating
document as* DIARRA SLAKA,

Petitioner,

Case No. 2:17-cv-062

v.

HON. JANET T. NEFF

JEFF SESSIONS, et al.,

Respondents.

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OPINION AND ORDER

Petitioner filed this habeas corpus petition pursuant to 28 U.S.C. § 2241, seeking release from the custody of the Department of Homeland Security, United States Immigrations and Customs Enforcement. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R & R) recommending that this Court deny the petition because Petitioner failed to meet the standard for habeas relief in the circumstances presented, i.e., to show that there is no significant likelihood of his removal from the United States within the foreseeable future (ECF No. 12 at PageID.54).

The matter is presently before the Court on Petitioner's objection to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(3), the Court must review de novo those portions of the Report and Recommendation to which objection has been made. The Court issues this Opinion and Order denying the objection. The Court will also issue a Judgment. *See Gillis v. United States*, 729 F.3d 641, 643 (6th Cir. 2013) (requiring a separate judgment in habeas proceedings).

Petitioner's objection fails to demonstrate any factual or legal error in the Magistrate Judge's analysis or conclusion. Petitioner merely relates his personal circumstances and contention that he is not a bad person and would be good for America's community if he could only have one chance. Such objection reflects no error in the Report and Recommendation. The Magistrate Judge's reasoning and conclusion are sound. The objection is denied.

The Court must further determine pursuant to 28 U.S.C. § 2253(c) whether to grant a certificate of appealability as to the issues raised. The Court must review the issues individually. *Slack v. McDaniel*, 529 U.S. 473 (2000); *Murphy v. Ohio*, 263 F.3d 466, 466-67 (6th Cir. 2001). "Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: The petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack*, 529 U.S. at 484. Upon review, this Court finds that reasonable jurists would not find the Court's assessment of Petitioner's habeas claim debatable or wrong. A certificate of appealability will therefore be denied.

Accordingly:

IT IS HEREBY ORDERED that the Objection (ECF No. 15) is DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 12) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the petition for habeas corpus relief (ECF No. 1) is DENIED for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that a certificate of appealability pursuant to 28 U.S.C. § 2253(c) is DENIED as to each issue asserted.

Dated: October 4, 2017

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge